



# Environmental Fact Sheet

## **EPA ENCOURAGES RECYCLING OF MINERAL PROCESSING MATERIALS BY PROPOSING TO MAKE CHANGES TO THE DEFINITION OF SOLID WASTE**

*The EPA is proposing controls over toxic by-products of mineral processing operations. For those materials identified by the EPA as hazardous, the Agency is requiring that before the materials can be land disposed, they must meet stringent standards preventing leaching of toxic constituents into ground water. EPA estimates that over ten million tons of toxic wastes will be controlled by these disposal standards. EPA also has provided that these materials may be recycled safely under special provisions that allow the mineral values to be returned to the processing operations for use in producing metal products.*

*The proposal is intended to encourage recycling and re-mining of minerals contained in secondary materials from mineral processing. The proposal attempts to reduce regulatory constraints to the recovery of mineral values from mineral processing wastes and has been drafted to provide industry with a wide range of options to meet the conditions noted in the rule. As a result of this rule, clean-up costs may be reduced at Superfund and other sites that have mineral processing.*

*As part of the Administrator's initiative to provide recordkeeping relief to the regulated community, this notice proposes to reduce paperwork requirements for the Land Disposal Restrictions program by approximately 1.5 million hours.*

### **Background**

In the 1984 Hazardous and Solid Waste Amendments (HSWA) of the Resource Conservation Recovery Act (RCRA), Congress specified that land disposal of hazardous waste is prohibited unless the waste meets treatment standards established by EPA. HSWA requires that treatment standards must substantially diminish the toxicity or mobility of hazardous waste, so that short and long term threats to human health and the environment are minimized.

Under the terms of a proposed consent decree with the Environmental Defense Fund (EDF), the Agency was required to propose LDRs for particular newly listed and identified wastes by August 11, 1995. For one class of newly identified wastes, characteristically hazardous mineral processing wastes, EDF provided an extension to the Agency until December 15, 1995 to propose treatment standards. Those proposed treatment standards are one of the major elements of this supplemental rule.

## Action

This proposal clarifies which mineral processing materials are solid wastes (and therefore potentially hazardous wastes) and it applies treatment standards to those which are hazardous wastes. In addition, the Agency is proposing a conditional exclusion for some of the materials. The proposal would allow primary mineral processing residues to be temporarily placed on the land and excluded from the definition of solid waste, as long as the materials are handled in an environmentally sound manner spelled out in the proposal, and are destined for recycling. The intent is to encourage recovery of mineral values from mineral processing wastes. This proposed rule also allows mineral processing residues to be added to the feedstock of a mining or mineral process that generates a Bevill exempt waste, without changing the exempt status of the resulting Bevill waste, provided that minerals are legitimately being recovered. However, mineral processing wastes directly disposed of with Bevill exempt wastes would remain subject to RCRA Subtitle C hazardous waste controls.

Several associated mineral processing or recycling proposals are included in the proposal. EPA is proposing that the Toxicity Characteristic Leaching Procedure (TCLP) be the appropriate test for determining the hazardousness of mineral processing wastes. EPA is proposing to not list five smelting wastes as hazardous wastes, but rather rely on the wastes' hazardous characteristics to ascertain the wastes' hazardousness. Iron chloride waste acid generated from the chloride-ilmenite process of titanium tetrachloride production would be classified as a mineral processing waste. The Agency is also proposing to classify air pollution control dust and sludges generated from lightweight aggregate production as mineral processing wastes. Additionally, EPA is excluding from the definition of solid waste scrap metal and shredded circuit boards bound for legitimate recycling.

In addition, this notice proposes to reduce the record-keeping requirements for the Land Disposal Restrictions program. Specifically, EPA is proposing to require one-time notification and certification of hazardous waste versus requiring generators to complete the notification and certification with every shipment.

## More Information

The *Federal Register* (FR) notice and this fact sheet are available in electronic format on the Internet System through EPA Public Access Server at [gopher.epa.gov](http://gopher.epa.gov). For the text of the FR notice, choose: Rules, Regulations, and Legislation; then FR-Waste; finally, Year/Month/Day. This fact sheet is available under: EPA Offices and Regions/Office of Solid Waste and Emergency Response (OSWER)/Office of Solid Waste/Hazardous Waste-Subtitle C/Land Disposal Restrictions.

For additional information or to order paper copies of the FR notice, call the RCRA Hotline. Callers within the Washington, Metropolitan Area must dial 703-412-9810 or TDD 703-412-3323 (hearing impaired). Long-distance callers may call 1-800-424-9346 or TDD 1-800-553-7672. The RCRA Hotline is open Monday-Friday, 9:00 a.m. to 6:00 p.m., Eastern Standard Time.

Copies of documents applicable to this rule may be obtained by writing: RCRA Information Center (RIC), U.S. Environmental Protection Agency, Office of Solid Waste (5305W), 401 M Street SW, Washington, D.C. 20460.